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CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, December 14, 2015

CASE NUMBER: C15-2015-0171

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ Eric Goff
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Rahm McDaniel (Alternate)

APPLICANT: David Cancilosi

OWNER: Martha Jenkins

ADDRESS: 3505 RIVERCREST DR

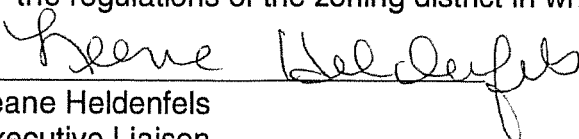
VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 40 feet (required) to 15 feet (requested) in order to construct a single family home in "LA", Lake Austin Residence zoning district.

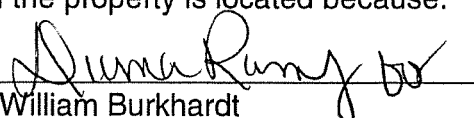
BOARD'S DECISION: POSTPONED TO JANUARY 11, 2016 BY APPLICANT TO RESOLVE AUSTIN ENERGY ISSUES

FINDING:


1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman






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 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

NOTIFICATIONS
CASE#: C15-2015-0171
3505 RIVERCREST DR.

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 250'

CASE# C15-2015-0171
ROW# 1144461D
TAX# 0131190209
TCAD ✓ 0131190209

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CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.

3606
STREET ADDRESS: Rivercrest Drive, Austin, TX 78746

LEGAL DESCRIPTION: LOT 10 BLK D RIVERCREST ADDN SEC 2

I, Martha Jenkins, on behalf of myself affirm that on November 3, 2015, hereby apply for
a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development
Code you are seeking a variance from)

X ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

15' Front setback in LA zoning to allow construction of new single family residence.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence
supporting the findings described below. Therefore, you must complete each of the applicable
Findings Statements as part of your application. Failure to do so may result in your application
being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS:

I contend that my entitlement to the requested variance is based on the following
findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use
because: the owner is proposing a new single family residence on a vacant lot. The
original Rivercrest Section 2 lot has never been improved since date of plat approval
in mid-1960's.

The roughly 16,000 SF lot is very steep, and although it has 100' of lot frontage in keeping with LA zoning standards, it is a substandard lot in terms of LA zoning minimum lot size.

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The lot was designed to A /AA zoning standards which mimic SF-2 zoning standards. The city subsequently zoned the lot LA, which applied more rigorous performance standards. The owner is unable to reasonably develop the lot due to the strict application of LA zoning setback standards.

The applicant has provided documentation addressing LA zoning IC standards as they are not applicable to this site per COA decision on substantially similar lot in the same subdivision. Thus, the owner is seeking front setback reduction from 40' to 15' to allow a new single family residence.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: the Rivercrest Section 2 plat was approved prior to application of LA zoning. Although the lot is substandard to LA zoning lot size requirements, LA zoning was applied by the City of Austin. The lot is extremely steep as it has grades as steep as 600+% near the top (rear) of the lot. The lot also has a ROW access easement along the middle / rear portion of lot that prohibits any development within said easement. That easement prohibits the house from moving out of the 40' front setback.

(b) The hardship is not general to the area in which the property is located because: there are no known similar issues on vacant lots in the subdivision.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the proposed residence will be approximately 3,500 SF, will be 2-3 stories, and will be in keeping with the style of several homes found in the subdivision. The proposed front setback of 15' will be in keeping with many existing homes on the same side of the street.

PARKING: (Additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:


N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

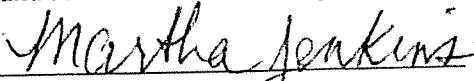
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 105 W Riverside Drive #225

City, State & Zip Austin, TX 78704

Printed David Cancialosi Phone 512-593-5361 Date November 3, 2015

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1048 Irvine Avenue 548

City, State & Zip Newport Beach, CA 92660

Printed Martha Jenkins Phone 949-878-1530 Date November 3, 2015

BARROWS SUBDIVISION

BK. 3, PG. 28

LOT 4

LOT 5

LOT CORNER
NO MONUMENT
RECOVERED

(S 30°04'W 100')
S 30°05'20"W 99.84'

LOT CC
NO MC
RECOVERED

5' P.U.E. PER PLAT

482 SF Studio
1607 SF Upper Level
1600 SF Middle Level
820 SF Lower Level
4509 SF Total All Levels

Site Plan: Lower Level
SCALE: 1/16" = 1'-0"

20' B.L., [2]

LOT 10
BLOCK D
VACANT

30' RIGHT-OF-WAY
VOL. 6569, PG. 35
VOL. 6766, PG. 639

ASPHALT DRIVE

40' ACCESS ESMT.,
AGREEMENT
DOC. # 2012029885

(N 60°20'W 165.73')
S 60°25'25"E 165.73'

LOT 11

S 60°25'25"E 165.42'
(S 60°20'E 165.42')

0'x40' GUY ESMT.
PER PLAT

10' ELEC. ESMT.
PER PLAT

40' B.L. PER [2]

25' B.L. PER PLAT

15'-6" PROPOSED B.L.

10' B.L., [1]

BOULDER

N 30°16'00"E 99.85'
(N 30°16'E 100')
BEARING BASIS

RIVERCREST DRIVE

(50' R.O.W.)

Lopez Residence

Lot 10 Rivercrest Drive
Austin, Texas

North Arrow
Scale
1/16" = 1'-0"

1/16" = 1'-0"

6/5

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Heldenfels, Leane

From: david cancelosi [REDACTED]
Sent: Wednesday, December 09, 2015 9:57 AM
To: Heldenfels, Leane
Cc: Ramirez, Diana; Heidi Sauer; Kellogg, Eben; MJ; Tim Lopez; Terry Irion
Subject: Re: Lot 10-Blk D, Rivercrest Drive

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Leane,

Please accept this email as formal request for postponement of Case# C15-2015-0171 at lot 10 Block D located on Rivercrest Dr. to the Jan 11, 2016 BOA Agenda.

Also, please note that the address listed on the current public notice is not correct. The notice lists "3505 Rivercrest Dr."

Not sure where this street number originated from, but it's not attached to lot 10 block D. Notice that my application reflects "lot 10 block D".

Lot 10 block D has no assigned numerical address since it's a virgin lot. I will work on that with addressing before the next hearing and apprise of you of necessary changes to the notice to accurately reflect the subject site.

Thank you.

Please note: We're moving into our expanded office space and our phone lines are limited for the next 1-2 weeks. Email is the best form of communication for current or future projects. My cell phone is also available: 512-799-2401. Thank you.

Also note: I am out of the office Dec 14-Jan 4. I will be completely unavailable by phone or email during this time. I return to the office Jan 4, 2016. Please contact my Assistant by phone or email for immediate assistance. Thank you.

Kind Regards,

David Cancialosi

Permit Partners, LLC

105 W. Riverside Suite 225

Austin, TX 78704

512.593.5368 o

512.213.0261 f

www.Permit-Partners.com

